

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DAVID MIDDENDORF, THOMAS
WHITTLE, DAVID BRITT, CYNTHIA
HOLDER, and JEFFREY WADA,

Defendants.

18 Cr. 36 (JPO)

**Federal Rule of Evidence 502(d) Order
Regarding Information Disclosed
by Non-Party**

1. The disclosure, whether inadvertent or otherwise, of information that may be provided by non-party KPMG LLP (the “Non-Party”) in response to any subpoena or other legal process from any party in connection with this action (i) shall not constitute under Federal Rule of Evidence 502(a) a waiver of any attorney-client privilege, work-product protection, or other statutory privilege with respect to any undisclosed information; and (ii) shall not be used by any one to argue that there has been a waiver of any attorney-client privilege, work-product protection, or other statutory privilege with respect to any undisclosed information.

2. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

3. Nothing contained herein is intended to or shall serve to limit the right of the Non-Party to conduct a review of information for relevance, responsiveness and/or segregation of privileged and/or protected information before disclosure.

SO ORDERED.

Dated: New York, New York
July 27, 2018



J. PAUL OETKEN
United States District Judge